IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.808 OF 2005

Shri.Hemant Sharad Tarkar and
Anr. ..Petitioners

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr.A.V.Anturkar Senior counsel with
Mrs.Vinita V.Bakre-Shastry for
Petitioners
Mr.G.S.Godbole for Respondent no.2
Ms.S.V.Gajare, A.P.P. for State.

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. Heard the learned advocate for the petitioners, learned advocate for respondent no.2 and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned J.M.F.C. Pune, in C.C.No.138 of 2004. In the said case process is issued under

Sections 409 and 120B of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the respondent no.2-original complainant states that they shall not proceed with the trial for a period of four weeks from today. However, it is made clear that on the next date the petitioners shall remain present before the trial Court. The learned advocate for the respondent no.2-original complainant fairly states that no objection will be raised in respect of delay in filing revision.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. All the writ petitions are disposed of.

7. Authenticated copy be issued to the petitioners.

[V.K. TAHILRAMANI,J.]